

January 24, 2024

VIA ECF

Hon. Sarah Netburn  
United States Magistrate Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

***SEC v. Ripple Labs Inc., et al.*, No. 20-cv-10832 (AT) (SN) (S.D.N.Y.)**

Dear Judge Netburn:

Defendant Ripple Labs Inc. (“Ripple”) respectfully moves for leave to file a short sur-reply letter in response to the SEC’s reply in support of their motion to compel (ECF No. 932). Ripple’s proposed sur-reply letter seeks to correct a significant factual mischaracterization made by the SEC for the first time in its reply. The Court would benefit from the sur-reply letter because it will clarify the issues in dispute and allow the Court to rule on an accurate record. “Motions for leave to file sur-reply information [] are subject to the sound discretion of the court,” and are often granted where, as here, a party seeks to address new arguments raised in a reply. *See, e.g., Barbour v. Colvin*, 993 F. Supp. 2d 284, 288 (E.D.N.Y. 2014) (internal quotation marks and citation omitted); *see also Stepski v. M/V Norasia Alya*, 2010 WL 11526765, at \*1 (S.D.N.Y. Mar. 3, 2010).

The proposed sur-reply letter is attached hereto as **Exhibit A**. The SEC does not oppose this request.

Respectfully submitted,

/s/ Andrew J. Ceresney

Andrew J. Ceresney  
DEBEVOISE & PLIMPTON LLP  
*Counsel for Defendant Ripple Labs Inc.*

KELLOGG, HANSEN, TODD, FIGEL,  
& FREDERICK PLLC  
*Counsel for Defendant Ripple Labs Inc.*

cc: All Counsel of Record (via ECF)